

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

CASE NO. C70-9213RSM

Plaintiffs,

SUBPROCEEDING NO. 19-01RSM

V.

MINUTE ORDER REGARDING PENDING MOTIONS

STATE OF WASHINGTON, et al.,

Defendants.

The following MINUTE ORDER is made by direction of the Court, the Honorable Ricardo S. Martinez, Chief United States District Judge:

Three motions for temporary restraining orders have been filed in this matter. Dkts. #8, #13, and #16.¹ All three sought to enjoin Lummi Nation (“Lummi”) fishing in the Region 2 East winter crab fishery that was scheduled to open November 6, 2019. Lummi has not yet responded to the motions or indicated its intent to respond per Local Civil Rule 65(b). Subsequently, the Swinomish Indian Tribal Community (“Swinomish”) represented to the Court that all parties involved have agreed that the fishery will not open as planned and that “Swinomish will update the information concerning the opening in a supplemental declaration.” Dkt. #19.²

¹ Dkts. #22,076, #22,081, and #22,084 in Case No. C70-9213RSM.

² Dkt. #22,088 in Case No. C70-9213RSM.

Accordingly, the Court:

1. STRIKES the noting dates of the pending motions for temporary restraining orders.
 2. ORDERS that the Lummi Nation, and any other interested parties, file responses to the pending motions for temporary restraining orders no later than November 7, 2019, at 12:00 p.m. Any response must comply with the requirements of Local Civil Rule 65(b), but the Lummi Nation need not provide notice of its intent to file any such response.
 3. ORDERS that the moving parties reschedule, if necessary, their motions for temporary restraining orders for the Court's consideration at least three days prior to the new opening of the Region 2 East winter crab fishery. Nothing in this Minute Order prevents the parties from submitting a stipulation for a different noting date or briefing schedule so long as (1) the noting date is at least three days prior to the new opening of the Region 2 East winter crab fishery and (2) all briefing is completed on or before the noting date.

Dated this 5 day of November, 2019.

WILLIAM McCOOL, Clerk

By: /s/ Sharita Tolliver
Deputy Clerk